

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<p><b>ROBERT “BOB” ROSS AND EUGENIO</b></p> <p><b>VARGAS</b></p> <p><b>Plaintiffs/Counterclaim Defendants,</b></p> <p><b>v.</b></p> <p><b>ASSOCIATION OF PROFESSIONAL</b></p> <p><b>FLIGHT ATTENDANTS, <i>et al.</i>,</b></p> <p><b>Defendants/Counterclaim</b></p> <p><b>Plaintiffs.</b></p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p><b>Civil Action No. 4:22-cv-343-Y</b></p> <p><b>Consolidated with</b></p> <p><b>Civil Action No. 4:22-cv-430-Y</b></p> <p><b>Judge Terry R. Means</b></p>
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**PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Plaintiffs Robert “Bob” Ross (“Ross”) and Eugenio Vargas (“Vargas”) move for summary judgment granting them a take-nothing judgment in their favor against APFA’s breach of fiduciary duty claim under the LMRDA § 501. Moreover, Plaintiffs pray this Honorable Court grant summary judgment in their favor against Defendant’s counterclaim for breach of breach of fiduciary duty under 29 U.S.C. § 501 based on a lack of evidence to substantiate the elements of its claim, and the lack of evidence to substantiate the doctrine of laches and therefore, the claim is time-barred. (Dkt. 72).

Plaintiffs seek summary judgment in their favor against Defendant, APFA, liable for breach of contract, and for violations of union member’s rights to free speech and association, due process, and wrongful discipline under 29 U.S.C. §§ 411 (a)(2), (a)(5), and 529. The issues arise from a confidential transition agreement entered into between APFA and Plaintiff, Ross. Thereafter, Defendant, APFA took union disciplinary actions against Plaintiffs for committing

alleged acts of misconduct based on violations of union policy. Whereas the union's conduct within the disciplinary proceedings failed to provide Plaintiffs' due process by following the APFA Constitutional provisions, failed to provide due process by denying the ability to present evidence and properly cross-examine witnesses.

APFA wrongfully disciplined Plaintiffs by removal from elected office and banning their right to run for union elections for life. APFA's conduct denied Plaintiffs' their right to free speech and wrongfully disciplined Plaintiffs by denying their rights guaranteed under the federal Labor Management Reporting and Disclosure Act to hold and run for elected union positions. Plaintiffs have suffered substantial damages as a result. The matters required by Local Rule 56.3(a) are set forth in the Plaintiffs' supporting brief. An appendix containing the materials supporting this motion and brief is being filed separately.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs requests that the Court enter summary judgment in its favor and against the Defendants and provide Plaintiff the following relief:

- (1) A no-evidence summary judgment on Defendant's counterclaim for breach of fiduciary duty under 29 U.S.C. § 501 against Plaintiffs Ross and Vargas.
- (2) A judgment granting Plaintiff, Ross's claim for damages in the amount of \$4,663.32 for the remaining days of accrued and unused sick and vacation days for actual damages, damages for violation of nondisclosure and non-disparagement in the amount of \$529,433.42, and reasonable attorney's fees of \$502,362.50.
- (3) A judgment granting Plaintiffs, Ross and Vargas, a permanent injunction against APFA's enforcement of its Disciplinary Arbitration Award against Plaintiffs.
- (4) A judgment granting Plaintiff, Ross, damages for violation of LMRDA §§ 411(a)(2),

- 411(a)(5), and 529 in the amount of \$65,768.80, emotional damages in the amount of five times the medical damages for \$324,015.00, and punitive damages in the amount of four times the actual damages, and reasonable attorney's fees.
- (5) A judgment granting Plaintiff, Vargas, damages for violation of LMRDA §§ 411(a)(2), 411(a)(5), and 529 in the amount of \$33,146.33, for punitive damages in the amount of four times the actual damages, and reasonable attorney's fees of \$72,495.56.
- (6) Plaintiffs ask for any such other and further relief to which they may be justly entitled.

Date: April 26, 2024

Respectfully submitted,

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**ATTORNEY FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that on April 26, 2024 a true and correct copy of the above was served on Defendants' attorneys, via the e-filing manager.

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/S/ Kerri Phillips

Kerri Phillips

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